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Abhinav Aggarwal, PhD.
USPTO Customer 59597
100 Saint Aycrs Way
Chapel Hill, NC 27517-2362, USA
Dated: October 7, 2009

Mail Stop Petition,

Commissioner for Patents,

P.O. Box 1450, Alexandria, VA 22313-1450.

Subject: Request to lift abandonment on patent application 10/735,333 (SYSTEM AND METHOD FOR UNIVERSAL IDENTIFICATION OF BIOLOGICAL HUMANS).

Dear Sir or Madam:

Greetings from North Carolina.

It is requested that the abandonment on the subject application may kindly be lifted, and the application be re-instated so that the Request for Continued Examination can be pursued.

Following facts are submitted for your kind consideration:

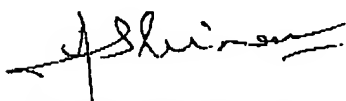
1. A Final Action Notice was received on 12/02/2008, in response to which a CIP (Continuation-In-Part) to this 10/735,333 application was filed on March 1st, 2009, within the allowance of three months margin, in consultation with Inventor Assistance Center. (CIP application details are : EFS Id: 4880381, Application Number: 12395669, Confirmation Number: 4820, Filing date: March 1st). In good faith, it was my understanding that CIP filing would be considered as a response to the final office action notice dated 12/02/2008, as CIP reference to 10/735,333 was clearly mentioned in the application.
2. On June 2nd, 2009 in the evening, the examiner (Mr. Vivek D Koppikar, ART Unit 3686) called me (the inventor) and advised to immediately file a response to his final action notice dated 12/02/2009 to avoid abandonment. Though he was informed that a CIP (per details at 1 above) was already filed on March 1st, 2009, the examiner advised that a reply to final action notice was still required.
3. On June 2nd, 2009, a reply to final action notice was filed, with a fee to cover for late filing of reply. To this letter, the examiner responded vide USPTO letter dated 07/10/2009 wherein I have been advised to file for RCE (Request for Continued Examination) as the revised claims submitted in response submitted on June 2nd, 2009 required further examination.
4. Since the date for filing the reply had not been indicated in letter dated 07/10/2009, it was assumed in good faith that there would be a regular allowance of 3 months to file the reply, as normally is to all USPTO office communications and actions.

5. While the response in the form of RCE was under preparation for its timely filing within the assumed three month grace period, I have received letter dated 09/15/2009 from the examiner stating that the subject application has been abandoned for my failure to respond to his final action notice dated 12/02/2008 in a timely manner.
6. The RCE was filed on 10/06/2009, with an e-mail and phone follow up to the examiner informing him of the RCE filing, and requesting him to lift the abandonment and proceed with the request to continue the examination.
7. On 10/07/2009, the examiner called the inventor and advised him to seek further guidance from inventor assistance center to get the abandonment on application lifted. While the inventor assistance center was contacted, they put me in touch with the Petitions, who advised me to document the case and submit it for your kind consideration.

Please note that I had properly filed a reply on 06/02/2009 with appropriate fees in good faith (it was acknowledged as letter received by USPTO on 06/03/2009) to which the examiner had responded vide his letter dated 07/10/2009 (copy attached), and as such the ground for abandonment that I had failed to respond to final office action notice dated Dec 02, 2008, does not hold.

The RCE with appropriate fees has now been filed (RCE filing date 10/06/2009), and I am now requesting you to kindly lift the abandonment and activate the subject application so that the examiner may continue with the request for continued examination.

Respectfully submitted,



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